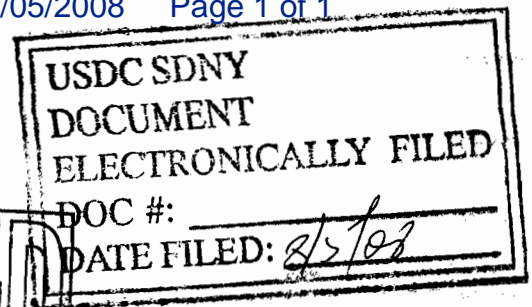
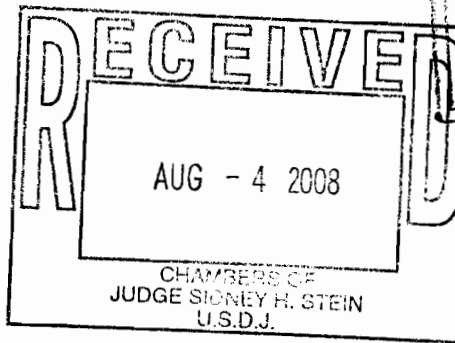


LITTLER MENDELSON®



August 1, 2008

Eric D. Witkin  
Direct: 212.497.8487  
ewitkin@littler.com

**BY FEDERAL EXPRESS**

Honorable Sidney H. Stein  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1010  
New York, NY 10007

MEMO ENCLOSED

Re: McCormack v. MTA Metro-North Railroad, et al. (S.D.N.Y. - No. 08 CV 4057)

Dear Judge Stein:

On behalf of Defendants in the above-referenced action, we enclose courtesy copies of the following documents we are serving and filing today through the Court's ECF system:

1. Defendants' Notice of Their Motion to Dismiss the Amended Complaint;
2. Defendants' Memorandum of Law in Support of Their Motion to Dismiss; and
3. Defendants' Rule 7.1 Disclosure Statement.

At the June 27, 2008 initial status conference, the Court stated that, in the event Defendant moved to dismiss instead of answering, there might be no need for the scheduled August 7, 2008 10:00 a.m. conference with the Court. We ask the Court to adjourn that conference.

Respectfully,

A handwritten signature in cursive script, appearing to read "Eric D. Witkin".

Eric D. Witkin

*The Aug. 7 conference is cancelled.*

cc: Michael G. O'Neill, Esq.  
(via Federal Express w/enclosures)

SO ORDERED 8/5/08  
A handwritten signature in cursive script, appearing to read "Sidney H. Stein".  
SIDNEY H. STEIN  
U.S.D.J.